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| 10/567,709 | 10/30/2006 | Thorsten Enders | 10191/4213 | 3888 |
| 26646 7590 09/02/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004 | | | | |
| EXAMINER CLAWSON, STEPHEN J | | | | |
| ART UNIT | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,709

Applicant(s)

ENDERS ET AL.

Examiner

STEPHEN J. CLAWSON

Art Unit

2416

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/16/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 23, 27, 29 and 30 is/are rejected.
- 7) ☐ Claim(s) 17-22 and 24-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Drawings

2. The drawings are objected to because figure 1 contains numerous references such as S1, S2, etc. As such, a legend identifying what each of these references represents would help to clarify. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

1. Claims 16, 27, and 29 are objected to because of the following informalities: claims 16, 27, and 29 recite 'the pilot-master-capable user, which detects an external pilot signal on the data network during its checking time interval, enters...' As written it is unclear which of the pilot-master-capable users Applicant is referring to. That being said, Applicant needs to modify this phrase. Examiner suggests rewriting this portion of the claim to read 'wherein: one or more of the pilot-master-capable users that detects an external signal on the data network during its checking time interval enters a temporary slave state; and wherein one of pilot-master-capable users detects no external pilot signal on the data network....'
2. Claims 24-26 are objected to because of the following informalities: claims 24-26 recite 'the ping signal' in claim 24. It should read 'a ping signal.' Appropriate correction is required. Claim 25 should read 'the ping signal.'

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 16, 23, 27, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Geier ("802.11 Beacons Revealed").

Regarding claims 16, 27, and 29, Geier discloses a method, a computer readable medium, and a data network for establishing one user corresponding to a transceiver, from multiple users of a data network, as a pilot master for emitting a pilot signal to which other users of the data network can synchronize themselves, comprising:

providing at least two of the users as pilot-master-capable; and **(See Geier "Beacons in Action"; In ad hoc networks, one of a plurality of stations can act as pilot master capable.)**

checking by at least the pilot-master-capable users, during a checking time interval of random duration individually assigned to them, whether an external pilot signal generated by another user is being transmitted on the data network, **(See Geier "Beacons in Action"; 'random time delay used to check to see if another station sends a beacon'**

wherein: the pilot-master-capable user, which detects an external pilot signal on the data network during its checking time interval, enters a temporary slave state, and

wherein: the pilot-master-capable user, which detects no external pilot signal on the data network during its checking time interval and randomly ends its assigned checking time interval earliest in comparison to the checking time intervals of the other

pilot-master- capable users, actually becomes pilot master and emits the pilot signal after the random duration of its checking time interval has elapsed. **(See Geier “Beacons in Action”; A station sends a beacon if no other station does so after a random time delay.)**

Regarding claim 23, Geier teaches the method as recited in Claim 16, wherein the user and/or the last current pilot master enters a temporary slave state if it detects an emitted pilot signal on the data network during a checking time interval. **(See Geier “Beacons in Action”; A station sends a beacon if no other station does so after a random time delay. Otherwise, it does not and remains a ‘slave.’)**

Claim Rejections - 35 USC § 103

5. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geier (“802.11 Beacons Revealed”) and further in view of Manis (U.S. Patent Pub. US 2003/0133473 A1).

Regarding claim 30, Geier discloses a data network as recited in claim 29. Geier does not teach the use of power supply lines as a data communication medium. However, Manis does. **(Manis pg. 1, para. 2)** One of ordinary skill in the art would readily recognize that a network can be made wired or wireless. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine a synchronized data network with a transmission medium that includes the

power supply lines. One skilled in the art would make a combination in order to create a more efficient network.

Allowable Subject Matter

6. Claims 17-22 and 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHEN J. CLAWSON whose telephone number is (571)270-7498. The examiner can normally be reached on M-F 7:30-5:00 pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/STEPHEN J. CLAWSON/
Examiner, Art Unit 2416
/Huy D Vu/

Supervisory Patent Examiner, Art Unit 2416